

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AIR QUALITY LAWS; MODIFYING THE DEFINITIONS OF "INCINERATOR" AND "SOLID WASTE" UNDER THE PROVISIONS OF THE CLEAN AIR ACT OF MONTANA; AND AMENDING SECTION 75-2-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 75-2-103, MCA, is amended to read:

**"75-2-103. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Advisory council" means the air pollution control advisory council provided for in 2-15-2106.

(2) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

(3) "Air pollutants" means one or more air contaminants that are present in the outdoor atmosphere, including those pollutants regulated pursuant to section 7412 and Subchapter V of the federal Clean Air Act, 42 U.S.C. 7401, et seq.

(4) "Air pollution" means the presence of air pollutants in a quantity and for a duration that are or tend to be injurious to human health or welfare, animal or plant life, or property or that would unreasonably interfere with the enjoyment of life, property, or the conduct of business.

(5) "Board" means the board of environmental review provided for in 2-15-3502.

(6) (a) "Commercial hazardous waste incinerator" means:

(i) an incinerator that burns hazardous waste; or

(ii) a boiler or industrial furnace subject to the provisions of 75-10-406.

(b) Commercial hazardous waste incinerator does not include a research and development facility that receives federal or state research funds and that burns hazardous waste primarily to test and evaluate waste treatment remediation technologies.

(7) "Department" means the department of environmental quality provided for in 2-15-3501.

(8) "Emission" means a release into the outdoor atmosphere of air contaminants.

(9) "Environmental protection law" means a law contained in or an administrative rule adopted pursuant to Title 75, chapter 2, 5, 10, or 11.

(10) "Hazardous waste" means:

(a) a substance defined as hazardous under 75-10-403 or defined as hazardous in department administrative rules adopted pursuant to Title 75, chapter 10, part 4; or

(b) a waste containing 2 parts or more per million of polychlorinated biphenyl (PCB).

(11) (a) "Incinerator" means, except as provided in subsection (11)(b), any combustion device in which solid waste is placed. ~~any single- or multiple-chambered combustion device that burns combustible material, alone or with a supplemental fuel or with catalytic combustion assistance, primarily for the purpose of removal, destruction, disposal, or volume reduction of any portion of the input material.~~

(b) Incinerator does not include:

(i) a safety flares flare used to combust or dispose of hazardous or toxic gases at industrial facilities, such as refineries, gas sweetening plants, oil and gas wells, sulfur recovery plants, or elemental phosphorus plants;

(ii) a space heaters heater that ~~burn~~ burns used oil;

(iii) a wood-fired boilers boiler in which only wood, wood byproducts, or wood waste is placed; ~~or~~

(iv) a wood waste burners burner, such as a tepee, wigwam, truncated cone, or silo burners burner, in which only wood, wood byproducts, or wood waste is placed;

(v) a combustion device in which not more than 50 pounds of solid waste is placed on any calendar day;

(vi) a combustion device in which no solid waste except glass is placed;

(vii) a crematorium in which animal or human remains are placed;

(viii) a combustion device required by the department or the board as control equipment; or

(ix) any equipment for a new or existing facility required by 40 CFR, part 60, 61, or 63, for which combustion is required and for which operating parameters for the combustion device are established by regulation.

(12) "Medical waste" means any waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in medical research on humans or animals, or in the production or testing of biologicals.

The term includes:

- 1 (a) cultures and stocks of infectious agents;
- 2 (b) human pathological wastes;
- 3 (c) waste human blood or products of human blood;
- 4 (d) sharps;
- 5 (e) contaminated animal carcasses, body parts, and bedding that were known to have been exposed
- 6 to infectious agents during research;
- 7 (f) laboratory wastes and wastes from autopsy or surgery that were in contact with infectious agents; and
- 8 (g) biological waste and discarded material contaminated with blood, excretion, exudates, or secretions
- 9 from humans or animals.

10 (13) (a) "Oil or gas well facility" means a well that produces oil or natural gas. The term includes:

- 11 (i) equipment associated with the well and used for the purpose of producing, treating, separating, or
- 12 storing oil, natural gas, or other liquids produced by the well; and
- 13 (ii) a group of wells under common ownership or control that produce oil or natural gas and that share
- 14 common equipment used for the purpose of producing, treating, separating, or storing oil, natural gas, or other
- 15 liquids produced by the wells.

16 (b) The equipment referred to in subsection (13)(a) includes but is not limited to wellhead assemblies,

17 amine units, prime mover engines, phase separators, heater treater units, dehydrator units, tanks, and connecting

18 tubing.

19 (c) The term does not include equipment such as compressor engines used for transmission of oil or

20 natural gas.

21 (14) "Person" means an individual, a partnership, a firm, an association, a municipality, a public or private

22 corporation, the state or a subdivision or agency of the state, a trust, an estate, an interstate body, the federal

23 government or an agency of the federal government, or any other legal entity and includes persons resident in

24 Canada.

25 (15) "Principal" means a principal of a corporation, including but not limited to a partner, associate, officer,

26 parent corporation, or subsidiary corporation.

27 (16) "Small business stationary source" means a stationary source that:

- 28 (a) is owned or operated by a person who employs 100 or fewer individuals;
- 29 (b) is a small business concern as defined in the Small Business Act, 15 U.S.C. 631, et seq.;
- 30 (c) is not a major stationary source as defined in Subchapter V of the federal Clean Air Act, 42 U.S.C.

1 7661, et seq.;

2 (d) emits less than 50 tons per year of an air pollutant;

3 (e) emits less than a total of 75 tons per year of all air pollutants combined; and

4 (f) is not excluded from this definition under 75-2-108(3).

5 (17) (a) "Solid waste" means all putrescible and nonputrescible solid, semisolid, liquid, or gaseous  
6 wastes, including but not limited to garbage; rubbish; refuse; ashes; swill; food wastes; commercial or industrial  
7 wastes; medical waste; sludge from sewage treatment plants, water supply treatment plants, or air pollution  
8 control facilities; construction, demolition, or salvage wastes; dead animals, dead animal parts, offal, animal  
9 droppings, or litter; discarded home and industrial appliances; automobile bodies, tires, interiors, or parts thereof;  
10 wood products or wood byproducts and inert materials; styrofoam and other plastics; rubber materials; asphalt  
11 shingles; tarpaper; electrical equipment, transformers, or insulated wire; ~~oil or petroleum products or oil or~~  
12 ~~petroleum products and inert materials~~; treated lumber and timbers; and pathogenic or infectious waste.

13 (b) Solid waste does not include municipal sewage, industrial wastewater effluents or sludge, oil or  
14 petroleum products, coke, mining wastes regulated under the mining and reclamation laws administered by the  
15 department of environmental quality, or slash and forest debris regulated under laws administered by the  
16 department of natural resources and conservation."

17 - END -